

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RYDEX TECHNOLOGIES, LLC, Plaintiff, v. BAXTER INTERNATIONAL, INC., Defendant.	Civil Action No. 13-664-RGA
RYDEX TECHNOLOGIES, LLC, Plaintiff, v. CAREFUSION CORPORATION, Defendant.	Civil Action No. 13-665-RGA
RYDEX TECHNOLOGIES, LLC, Plaintiff, v. HAEMONETICS CORPORATION, Defendant.	Civil Action No. 13-667-RGA
RYDEX TECHNOLOGIES, LLC, Plaintiff, v. HOSPIRA, INC., Defendant.	Civil Action No. 13-668-RGA

**DEFENDANTS' RESPONSE TO RYDEX TECHNOLOGIES LLC'S NOTICE
REGARDING THE SUPREME COURT'S RECENT OPINION IN TEVA V. SANDOZ**

Defendants submit this response to Rydex Technologies LLC's ("Rydex") Notice Regarding the Supreme Court's Recent Opinion in *Teva v. Sandoz* (the "Notice"). Nine days after the Supreme Court issued its decision in *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, No. 13-854 (Jan. 20, 2015), Rydex emailed Defendants and proposed additional briefing in connection with Defendants' Motion for Summary Judgment. Approximately ninety minutes later, and without receiving any response from Defendants, Rydex filed the Notice with the Court. Defendants have now had the opportunity to read and discuss Rydex's proposal and believe it is without merit. The *Teva* decision, which relates to the standard of appellate review, does not change the framework that a District Court should use in construing patent claims and bears no impact on the evidence that a District Court should consider. The parties have fully briefed and argued their positions on claim construction and summary judgment. The record is complete. Additional briefing is unwarranted and would only subject the parties to unnecessary litigation costs and delay. Defendants respectfully request that the Court proceed with its consideration of Defendants' Motion for Summary Judgment and issue an opinion in the ordinary course. Rydex has been informed of Defendants' position.

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